IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 840 (S/S) of 2006

Sri Hari Prasad,
S/o Sri Baljeet,
at present posted as Bandi Rakshak,
District Jail Almora, District – Almora,
permanent R/o Village – Shivpuria,
post – Kalayanpur,
District – Pilibhit. (U.P.) **.....Petitioner**

Versus

1. Union of India, through its Secretary, Personnel, Ministry of Personnel Public Grievance and Pensions, Department of State Re-organization, Lok Nayak Bhawan, 3rd Floor, Khan Market, New Delhi.

2. State of U.P. through Member Secretary, State Advisory Committee, State Co-ordination Department, Uttar Pradesh Shashan, Room No. 716 Janpath Market, Hazratganj, Lucknow.

3. State of Uttaranchal, through Principal, Secretary Home, Government of Uttaranchal, Dehradun.

4. Inspector General (Prison), Uttaranchal, Department of Jail, Office at Sachivalya, Uttaranchal Shashan, Dehradun.

.....Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Parikshit Saini, learned counsel for the petitioner, Smt. Anjali, learned standing counsel for Union of India on behalf of respondents no. 1 and 2 and learned standing counsel for State of Uttaranchal on behalf of respondents no. 3 and 4.

Learned counsel for the parties are agree to decide the writ petition at its admission stage itself.

By means of this writ petition, the petitioner, who is working Bandi Rakshak, District Jail, Almora, has prayed for the following reliefs:

(a) *issue a writ, order, rule or direction in the nature of Mandamus commanding the respondents to decide the option submitted by the petitioner for retention of his service in the State of Uttar Pradesh and to relieve them accordingly at very early date.*

(b) *issue any other writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case in favour of the petitioner;*

(c) *award the costs of the present writ petition to the petitioner.*

The submission of the learned counsel for the petitioner is that he is permanent resident of State of U.P. and had opted for State of U.P. and name of the petitioner does not find place in the final allocation list for State of Uttaranchal, meaning thereby, he has been finally allocated to State of U.P.

Learned counsel for both the parties have submitted that the present case is squarely covered by the judgement of this court dated 15.05.2006 passed in writ petition no. 1999 of 2005 (Radha Rani Vs. Union of India and others) and as such, the writ petition may be disposed of on the same terms and conditions.

Petitioner has already made a representation before respondent no. 4 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun on 09.05.2006, which is annexure no. 2 to the writ petition.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 4 may be directed to decide the petitioner's representation at the earliest.

In view of the above, respondent no. 4 i.e. Inspector General of Police, Jail, Government of Uttaranchal, Dehradun is directed to take decision on the representation of the petitioner dated 09.05.2006 within a period of three weeks from the date of production of certified copy of this order and may pass appropriate order for relieving the petitioner for State of Uttar Pradesh, in case, the petitioner has been finally allocated to State of U.P.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

June 28, 2006
SKSharma